

REMARKS

Claims 1, 3-11, 13-22, 24-33, 35-44, 46-55, 57-76, 78-87 and 89-119 are pending in this application. Of these, claims 80, 81 and 101 are allowed. By this Amendment, Claims 1, 11, 22, 33, 44, 55, 66, 75, 87, 97 and 99 are amended. No new matter has been added.

The support for the amendments to Claims 1, 11, 22, 33, 44, 55, 66, 75, 87 and 99 is found, for example, in page 1, lines 7-27 and page 5, lines 4-6. Claim 97 is amended to correct an informality cited on page 4 of the Office Action.

Applicant thanks the Examiner for the allowance of claims 80, 81 and 101.

For at least the following reasons, Applicant submits that this Application is in condition for allowance.

I. Restriction

On page 2, item 1 of the Office Action, claims 87, 89-98, 116-117 are indicated to be withdrawn.

Applicant respectfully submit that claim 87, which is a process, includes an allowable feature of the product claims, i.e., using a mold having a side wall including recesses facilitating radial deformation of the mold, at least one of said recesses having longitudinal edges having a length on an external surface of the side wall, the edges not touching each other over at least a major part of their length when the mold is not deformed. Dependent claims 89-98 and 116-117 also recite correspondingly allowable features. Therefore, under Manual of Patent Examining Procedure (MPEP) §821.04, the Applicant will be allowed rejoinder of the claims. It is therefore submitted that the withdrawn claims should be examined together to expedite prosecution.

Because of the corresponding allowable features, Applicant respectfully submits that the subject matter of all claims including claims 87, 89-98 and 116-117 is sufficiently related that a thorough search, which has already occurred, for the subject matter of any one group

would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden as the examination can proceed with the art of record already cited by the Examiner. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in view of the extensive search already made and the application of the art of record in order to avoid unnecessary delay and expense to applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the restriction is respectfully requested.

II. Reply to Rejections

On page 3, item 4 of the Office Action, claims 1, 3-11, 13-22, 24-33, 35-44, 46-55, 57-76, 78-79, 82-86, 99, 100, 102-115, 118, and 119 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement in a way to indicate that the inventor had possession of the claimed invention. Claims 1, 11, 22, 33, 44, 55, 66, 75, 87 and 99 are amended to recite "when the mold is not deformed" to obviate the rejection.

Further, it is respectfully submitted that the above features, as well as the features cited by the Examiner in this rejection are supported by the drawing figures and the disclosure in the specification as to allow one of ordinary skill in the art to practice the invention without undue experimentation. For example, the specification on page 5, lines 4-6 states that the mold according to the invention can be used in a conventional manner, as described in EP 186 468. The use of the mold is therefore described in page 1 of the specification, wherein, it is disclosed that during un-molding of the stick, a suction is applied to the outside of the mold

so that the mold is expanded (page 1, lines 15-17). Therefore, it is clear to one of ordinary skill in the art that the mold has two states; when the suction is applied and it is deformed, and when no suction is applied and it is at rest.

Further, Figs. 1 and 2 of the application clearly show that the recess comprises two inside edges, one of which is visible on Fig. 1 in its entirety. The inside edge is not hatched on the axial section of Fig. 1, and there is no dash on the cross-section of Fig. 2 that would be present if the inside edges were touching each other between the cross-section and the bottom of the mold. Therefore, it is clear from the observation of Figs. 1 and 2 and the disclosure in the specification that the edges of the recesses are not touching each other over at least a major part of their length when the mold is not deformed, and one of ordinary skill in the art would be able to practice the invention without undue experimentation.

Withdrawal of the rejection is respectfully requested.

On page 6, item 6 of the Office Action, claims 1, 3-7, 9, 33-39, 42-44, 46-50, 53, 54, 69, 72, 73, 75, 76, 78, 79, 84-86, 99, 100, 102-104, 106, 110-115, and 118 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,934,810 to Henning. The rejection is respectfully traversed.

Applicant respectfully submits that Henning fails to disclose the recesses facilitating radial deformation of the mold where, at least one of the recesses has longitudinal edges having a length on the external surface of the sidewall, the edges not touching each other over at least a major part of their length when the mold is not deformed, as recited in claims 1, 33, 44, 75 and 99.

Henning discloses a mold 75 with a plurality of slits 87 that extend part way through the wall 80 radially inwardly towards shaping cavity 81. The slits 87 terminate in rounded channels 93. These slits 87 have opposing walls 87', 87" which are disclosed to abut against each other (Figs. 7, 8; col. 3, lines 52-58). That is, when not deformed, the sidewalls 87', 87"

must touch each other, in contrast to the feature in claims 1, 33, 44, 75 and 99 that the edges of the recesses are not touching over at least a major part of their length.

Fig. 7 of Henning shows that the slits 87 may optionally comprise enlarged marginal channels 93 (col. 4, lines 40-44). However, the channels 93 do not open on the external surface of the mold except at the end of the slit. The major part of the channel 93 extends radially inside the mold with respect to the edge of the slit 87. Therefore, Henning fails to disclose recesses whose edges do not touch each other over at least a major part of their length when the mold is not deformed, as recited in the independent claims.

Further, Fig. 6 (and Figs. 4 and 5) of Henning discloses a mold 15 during the expansion of the shaping cavity 21 when a vacuum is applied to the air space 61 (col. 3, lines 17-33 and 35-36). In Fig. 6 of Henning, the mold 15 is deformed. Therefore, the independent claims are patentably distinguishable from Henning.

Claims 3-7, 9, 69 and 118, which depend from claim 1, claims 35-39, 42-43 and 72, which depend from claim 33, claims 46-50, 53-54 and 73 which depend from claim 44, claims 76, 78-79 and 84-86, which depend from claim 75 and claims 100, 102-104, 106, 110-115, which depend from claim 99, are likewise distinguishable over the applied reference for at least reasons discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 9, item 9 of the Office Action, claims 8, 10, 40, 41, 51, 52, 82, 83, 105 and 107 are rejected under 35 U.S.C. §103(a) over Henning. The rejection is respectfully traversed.

As discussed above, Henning fails to disclose the features of independent claims 1, 33, 44, 75 and 99. Consequently, claims 8 and 10, which depend from claim 1, claims 40 and 41, which depend claim 33, claims 51 and 52, which depend from claim 44, claims 82 and 83, which depend from claim 75, and claims 105 and 107, which depend from claim 99, are

likewise distinguishable over the applied reference for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 10, item 10 of the Office Action, claims 11, 13-22, 24-32, 55, 57-68, 70, 71, 74, 108, 109, 121, 122, and 125 are rejected under 35 U.S.C. §103(a) over Henning in view of U.S. Patent No. 3,937,438 to Fox et al. (hereinafter "Fox"). The rejection of canceled claims 121, 122, and 125 is moot. The rejection of the remaining claims is traversed.

Applicant respectfully submits that Henning, alone or in combination with Fox, does not disclose recesses facilitating radial deformation of the mold, at least one of the recesses having longitudinal edges having a length on an external surface of the sidewall, the edges not touching each other over at least a major part of their length when the mold is not deformed, as recited in claims 11, 22, 44, 55, and 99.

As discussed above for the §102 rejection, Henning fails to disclose these features in claims 11, 22, 55, 99, as well as 44.

As Fox fails to overcome the deficiencies in Henning, it is respectfully submitted that claims 11, 22, 33, 44, 55 and 99 are patentable. Claims 13-21 and 70, which depend from claim 11, claims 24-32 and 71, which depend from claim 22, claims 57-65, 68 and 74, which depend from claim 55, claim 66, which depends from claim 33, claim 67, which depends from claim 44, and claims 108 and 109, which depend from claim 99, are likewise patentable over the applied references for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 11, item 11 of the Office Action, claim 119 is rejected under 35 U.S.C. § 103(a) over Henning, in view of U.S. Patent No. 6,197,359 to Llorente Hompanera. The rejection is respectfully traversed.

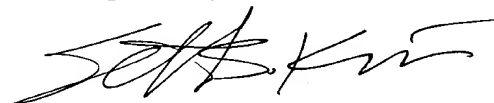
As discussed above, Henning fails to disclose all of the features of claim 1, from which claim 119 depends. As Llorente Hompanera fails to overcome the deficiencies in Henning, it is respectfully submitted that claim 119 is patentable over the applied references. Withdrawal of the rejection of claim 119 is respectfully requested.

III. Conclusion

For the foregoing reasons, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-11, 13-22, 24-33, 35-44, 46-55, 57-76, 78-87, 89-119 are respectfully requested.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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